

Section 1.1 Cooperative Agreements & Amendments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

July 29, 2004

TO (EPA Grant/IAG Recipient): Skokomish

The following change has been made to your EPA assistance agreement:

ID No.: **BF-970714-01**

☒ EPA Contact Information

☒ Project Officer to **Deborah Burgess**

☐ Grants Specialist

☐ Project/Recipient/Payee Information

☐ Rebudgeting (minor <10%)

☐ Terms & Conditions (minor)

☐ Other: _____

Any questions should be directed to either the Project Officer or the Grants Specialist listed on the document.

Please file the enclosed Award Change Request with your award documents. No other action is required on your part.

Enclosure: Award Change Request

cc: Deborah Burgess, ECL-110
GAU File

Reminder Note for Administrative Report due on 12/31/2004:

- ▶ Financial Status Report (condition #3) for periods cover 10/01/2003 - 09/30/2004.
- ▶ MBE/WBE Report (condition #9).

FYI, EPA balance shows no payment drawdowns made. Have you submitted your payment request?

Document Readers

**Awards
Working**

Award Change Request

Re: BF-97071401-0 Skokomish Tribe ->

Document Status

Document Phase: Grant Specialist
Current Editor: Kathy Tsing
Delegate: Wendy Wasson

Last Modified: 07/28/2004
Previous Editor: Anne McCauley

Change Information

EPA Region: EPA R10

Grant Number: 97071401-0

Change Type: EPA Contact Information

Requires: Notification

Details: Change EPA Project Officer from Anne McCauley to Deborah Burgess.

Requestor: Anne McCauley

Title: Project Officer

Phone: 206-553-4689

Request Date: 07/28/2004

EPA Contacts

Grant Specialist: Kathy Tsing

Office: Grants Administration Unit

E-Mail: Tsing.Kathy@epa.gov

GS ID: KTA

Mail Code: OMP-145

Phone: 206-553-4688

Project Officer: Deborah Burgess

Title: EPA Project Officer

E-Mail: Burgess.Deborah@epamail.epa.gov

Approving Region: EPA R10

Phone: 206-553-0459

Address: 1200 Sixth Avenue

City: Seattle

State: WA

Mail Code: ECL-110

Zip: 98101

Approval Office Div: Office of Environmental Cleanup

Address: 1200 Sixth Avenue

City: Seattle

State: WA

Zip: 98101

Congressional Liaison: Barbara Brooks

Phone: 202-564-2783

AAShip: R10 - Region 10

Division/Office: Office of Environmental Cleanup

Lab/Office: ECL

Change Request Attachments

Attachments:

Review

EPA Project Officer: Deborah Burgess

Submitted:

Due Date:

Response	EPA Project Officer	Date

Origination Information

June 20, 2003

Reply To
Attn Of: ECL-115

Keith Dublanica
Skokomish Indian Tribe
N. 541 Tribal Center Rd.
Shelton, WA 98584

Dear Mr. Dublanica:

I would like to personally congratulate the Skokomish Indian Tribe for being selected to receive Brownfields assessment grant funding from the U.S. Environmental Protection Agency's national Brownfields program. This is the first year EPA will award grants under the Small Business Liability Relief and Brownfields Revitalization Act which was signed into law on January 11, 2002. The law specifically included a section supporting brownfield revitalization grants, a direct influence from the previous program's successful pilots. These grants are designed to test and support approaches to assessing, cleaning up and redeveloping sites where there is a concern for environmental contamination. These projects will continue to help guide EPA's efforts to stimulate environmental cleanup through economic redevelopment.

The proposal for hazardous waste assessment has been selected as a national brownfields finalist for an amount of up to \$110,939 for a period of two years. This letter is to initiate the application process. The final selection is contingent upon completion of the federal award process and providing additional information as requested below. **This letter does not constitute any obligation on EPA's part to fund the proposal.** In order to complete the process, you are required to complete an Application Kit for Financial Assistance and submit an approved project work plan. Note that many forms can be found online at <http://www.epa.gov/ogd/AppKit/> and then by clicking on *Grant Application Forms* in the left hand column. Complete all forms that apply to your organization and submit the forms with original signatures along with the additional information requested by July 9, 2003 to Marybell Austin, at the address above. The absence of any form, budget narrative, or miscalculations in the budget can significantly delay the award process.

The work plan should be consistent with the goals and objectives of your brownfields proposal application submitted in March 2003 and include planned outputs, project milestones, reporting activities, and a detailed budget. We highly encourage you to discuss the components of the work plan with the EPA Project Manager prior to its preparation. For your reference, attached is an example of a work plan and budget report that can serve as a model for you in this process.

Congratulations on becoming a finalist and feel free to contact Marybell Austin, of our

Brownfield staff, for further clarification to the requested information or for any questions and comments at (206) 553-4689. If she is not available, you may also call Tim Brincefield at (206) 553-2100. We are looking forward to working with you!

Sincerely,

David Croxton, Unit Manager
Brownfields and Cleanup Unit One

Enclosed: Application Kit for Financial Assistance
 Example Work Plan and Budget Report

Sample Terms & Conditions

Upon approval of your complete application and final determination of award, EPA plans to award the cooperative agreement which will contain various terms and conditions. **These following special conditions are not final and may be subject to additions or other changes,** but will provide the an overview of the type of conditions required under this type of cooperative agreement:

1. Work plan Changes

No changes to the approved work plan will be allowed without written EPA approval.

2. Travel Funds

The recipient may submit a written request to utilize funds under this Cooperative Agreement for travel expenses to attend Brownfields conferences or meetings. EPA will review these requests and may allow utilization of funds for such purposes. Funds shall not be utilized for this purpose without EPA approval. Note that separate requests must be made for each conference or meeting.

3. Quarterly Reports

The recipient agrees to submit quarterly progress reports to the EPA Project Manager within thirty (30) days of the end of each federal fiscal quarter. These reports shall include brief information on the following: 1) a comparison of actual accomplishments to the objectives established for the period; 2) the reasons for delay if established objectives were not met; and, 3) additional pertinent information including when appropriate, analysis and explanation of costs overruns or high unit costs.

These reports shall also include: program progress (e.g. work plan tasks complete, problems/delays, work products, schedule of completion), schedule and budget status, pilot measures of success including property profiles, description of activities completed, and next quarter activities and work products.

Quarterly reports may describe related brownfields efforts by the recipient; however, the report must clearly delineate which tasks are funded by this cooperative agreement and which items are funded from other sources.

1 Final Project Report

The recipient agrees to submit a final project report to summarize the accomplishments under this Cooperative Agreement, and how the goals and objectives of the project were met. This report will be due to EPA ninety (90) days after the end date of the cooperative agreement, or as otherwise agreed. After review of the final report, the EPA Project Officer may request additional information of the recipient.

5. Media Activity

Copies of all press releases, fact sheets, media coverage, journal articles and similar publications related to the this project should be provided to the EPA Project Officer in a timely manner.

Sample Terms & Conditions
(Continued - Page 2)

6. Future Land Use

By awarding this Cooperative Agreement (CA) , EPA is not endorsing or approving the future land uses that may be currently proposed for the brownfields site(s). Future land use issues may be considered by EPA, the state, the city and the community and factored into the cleanup requirements as deemed appropriate by the regulatory agencies.

7. Private Sites

Prior to the expenditure of federal funds under this agreement for activity at a privately-owned property, the recipient must receive written EPA approval to do so. Under most circumstances, EPA approval will be provided if the pilot recipient can demonstrate in writing that there is a formal mechanism for the recipient to receive commensurate reimbursement for services provided by the recipient using federal funds. In instance where reimbursement is not practical, alternative arrangements may be considered on a case by case basis by EPA. The request for approval should briefly describe the site circumstances and anticipated public benefits from performance of the assessment.

We offer our assistance to you in the preparation of your application. Note that **page 7, of the Application Kit**, has a summary of items to be submitted as part of the application. If you have questions about the application kit, please do not hesitate to call.

Document Readers



Awards
Active

EPA Funding Recommendation

Title: BF-97071401-0 Skokomish Tribe

Document Status

Document Phase: Final

Last Modified: 10/24/2003

Current Editor: Susan Morales

Previous Editor: Mike Gearheard

Delegate: Ricardo Solis

Project Information Section

Grant Number: 97071401-0	Grant Type: Non-Construction
Agreement Type: Cooperative Agreement	Awarding Region: EPA R10
Record Type: N	
Applicant Type: Indian Tribe	
Applicant Name: IT270 - Skokomish Tribe	
DUNS:	
Project Title: BF-97071401-0 Skokomish Tribe	
Amount Requested: \$110,939	
CFDA: 66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	
Statutory Auth: CERCLA: Sec. 101(39)	
CERCLA: Sec. 104(k)(2)	
Delegation of Auth: 14-45 Brownfields Revitalization Funding	
Media: Brownfields	
Program Code: BF - Brownfields Assessment and Cleanup Cooperative Agreements	
Project Period Start: 10/01/2003	Project Period End: 09/30/2005
Budget Period Start: 10/01/2003	Budget Period End: 09/30/2005

Please provide a description of the work to be accomplished in this project.

Project Description: This project will fund site assessment work at a former state DOT maintenance station. In keeping with the goals of the Brownfields Program, the project will seek to address contamination concerns and reuse existing property as a wastewater treatment plant, thereby protecting open space and the natural environment by promoting effective use of existing infrastructure and reusing previously developed land

Project Justification and Characteristics Section

Please describe the project objectives and how the project relates to the statutory authority.

This project will fund site assessment work at a former state DOT maintenance station. In keeping with the goals of the Brownfields Program, the project will seek to address contamination concerns and reuse existing property as a wastewater treatment plant, thereby protecting open space and the natural environment by promoting effective use of existing infrastructure and reusing previously developed land

Is this a Research Grant? No

Please explain any apparent duplicate or excessive efforts identified with this project (if applicable).

Could an invention be one of the results of this project? No

Federal Grant and Cooperative Agreement Act (FGCAA) Compliance Yes

Enter or attach justification. Please See EPA Order 5700.1 entitled, "Policy for Distinguishing Between Assistance and Acquisition". EPA will not award a grant unless the decision to fund an assistance agreement is based upon criteria stated in the Order.

to provide grants to inventory, characterize, assess and conduct planning related to Brownfield sites 41 USC 505 Section 6(1) "Principal purpose relationship is to transmit funds"

Are costs necessary and reasonable in accordance with the Cost Review Guidance (GPI-00-05)?	Yes
Is this grant a Congressional earmark?	No
Is this a small grant as defined by the Small Grant Policy? If so, it must be fully funded.	No
Quality Assurance: Does this program or project include generation of environmental data, or use of existing environmental data?	Yes
Are the proposed measurement activities covered by an existing or draft Quality Management Plan (QMP), or Quality Assurance Project Plan (QAPP)?	No
(For questions on document(s) required or a document's status, contact your organization's Quality Assurance Manager.)	
Requires QA Term and Condition.	
Is the agreement funded with more than one Program Result Code?	No
Is this agreement funded with funds from more than one appropriation?	No
Does this project include preaward costs?	Yes
Were any of the costs incurred more than 90 days before award?	No
Does the project involve human subjects?	No
Does the project involve animal subjects?	No
Does the work plan include project activities or travel which will be performed entirely or in part outside of the United States?	No
Does the scope of the work involve conducting any conferences or workshops?	No
Is this a cooperative agreement which will include the survey or collection of identical information from 10 or more persons, or a grant which will include the survey or collection of identical information from 10 or more persons and under which EPA influenced the design, development or implementation of the survey? (See Grants Policy Issuance 99-1, Information Collection Requirements)	No
Will the award result in the development of any copyrighted software or written materials?	No
Does this award require White House notification before signature because it is energy related or for an amount equal to or greater than \$1 million?	No

Competition Section

Was the application selected through a competitive process in accordance with or consistent with EPA Order 5700.5?	Yes
What type of competitive process was used?	Open Competition
Date the solicitation was announced:	10/24/2002

Funding Recommendations Attachments

Attachments:

del14-45.554.wpd 14-3.wpd

Project Funding

Approved Budget	
Cost Category Classification (Nonconstruction)	Approved Allowable Budget Period Cost
1. Personnel	\$29,075
2. Fringe Benefits	\$8,243
3. Travel	\$2,921
4. Equipment	\$7,800
5. Supplies	\$2,900
6. Contractual	\$60,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Costs	\$110,939

10. Indirect Costs IDC Rate % Base \$	\$0
11. Total	\$110,939
12. Total Requested Amount	\$110,939
13. Total Request To Fund Amt This Action	\$110,939

Project Funding Information

Does the funding for this action include any EPA In-Kind Contribution?	No
Is the funding Partial or Full?	Full
The applicant has indicated that the following amount of program income will be generated during this project.	\$0
Is this project expected to generate program income?	No
Please provide recommendation for disposition of the equipment at project's end. (Equip > 0) (See 40 CFR 30.34 or 31.32, as appropriate and Grants Policy Issuance 02-02.)	See notes section - on equipment in this CAG but otherwise would be Option 1: recipient may keep the equipment and continue to use it on the project originally funded.
Is the recipient providing cost sharing under this agreement?	No
Does this action include approval to carry forward obligated funds from prior years?	No
Does this Funding Recommendation document require the SRO signature?	No

Programmatic Special Conditions

Project Officer Approval Section

I have reviewed and approved the workplan/scope of work and budget for this project and I recommend the Award. Yes

Review

Read Access: Controlled		
Readers: Marybell Austin Timothy Brincefield Roopa Karia Susan Morales Ricardo Solis Kathy Tsing		Submitted:
Approvers:		Submitted: Due Date:
Response	Concurrence By	Date

Commitment Clerk

Funding Regions: EPA R10
Commit Clerk: Susan Morales Funding Region: EPA R10

Approval Official Signature

Approval Official: Mike Gearheard	
Title: Director - Office of Environmental Cleanup	Phone: 206-553-7151
Delegate:	
Title:	Phone:

Approval Official Signature: - Signed by Mike Gearheard/R10/USEPA/US on 09/24/2003 10:29:07 AM, according to /USEPA/US

Approval Office Address

Division: ENVIRONMENTAL CLEANUP

Address: 1200 Sixth Avenue

City: Seattle

State: WA

Zip: 98101

Grant Specialist

Grant Specialist: Kathy Tsing

Title: EPA Grants Specialist

Phone: 206-553-4688

Submitted: 09/24/2003

Origination Information

Created By: Susan Morales on 09/22/2003

Organization: EPA R10

Notifications History

Document Readers



Awards
Active

EPA Award Document

Title: BF-97071401-0 Skokomish Tribe

Document Status

Document Phase: Final
Current Editor: Kathy Tsing
Delegate: Wendy Wasson

Last Modified: 10/24/2003

Application Information

Amount Requested: \$110,939

Date Received: 09/18/2003

Date Signed: 07/08/2003

Award Information

Awarding Region: EPA R10

Grant Number: 97071401-0

Record Type: N

Program Code: BF - Brownfields Assessment and Cleanup Cooperative Agreements

Upload to GICS: Yes

Grant Type: Non-Construction

Agreement Type: Cooperative Agreement

Payment Method:

ACH#:

Payment Office: EPA Finance Unit, OMP-146
FAX # 206-553-6525

Funding Pkg. Date: 09/24/2003

Mailing Date: 10/06/2003

Award Date: 09/29/2003

Acceptance Date: 10/15/2003

ODN: BF97071401

Recipient Information

Name and Address of Recipient

Applicant Type: Indian Tribe

Applicant Name: IT270 - Skokomish Tribe

DUNS:

Address: North 541 Tribal Center Road

City: Skokomish Nation

State: WA

County: Mason

Zip: 98502

Congressional Dist: 06

EIN: 91-0874463

Organizational Unit:

Sub Org. Unit:

NSF Code:

Minority Institution:

Name and Address of Payee

Payee Name: Skokomish Tribe

Address: North 541 Tribal Center Road

City: Skokomish Nation

State: WA

Zip: 98502

Recipient Point Of Contact

Project Manager: Davide Lockart

Title:

Fax:

E-Mail:

Phone: 360-426-4232

Address: North 541 Tribal Center Road

City: Skokomish Nation

State: WA

Zip: 98502

EPA Contacts

Grant Specialist: Kathy Tsing

Office: Grants Administration Unit

GS ID: KTA

Mail Code: OMP-145

E-Mail: Tsing.Kathy@epa.gov	Phone: 206-553-4688
Project Officer: Susan Morales	Approving Region: EPA R10
Title: EPA Project Officer	
E-Mail: Morales.Susan@epa.gov	Phone: 206-553-7299
Address: 1200 Sixth Avenue	Mail Code: ECL-112
City: Seattle	
State: WA	Zip: 98101
Approval Office Div: Office of Environmental Cleanup	
Address: 1200 Sixth Avenue	
City: Seattle	
State: WA	Zip: 98101
Congressional Liaison: Barbara Brooks	Phone: 202-564-2783
AAShip: R10 - Region 10	
Division/Office: Office of Environmental Cleanup	
Lab/Office: ECL	

Project Information

CFDA: 66.818 - Brownfields Assessment and Cleanup Cooperative Agreements

Media: Brownfields

Project Title: BF-97071401-0 Skokomish Tribe

Description: This project will fund site assessment work at a former state DOT maintenance station. In keeping with the goals of the Brownfields Program, the project will seek to address contamination concerns and reuse existing property as a wastewater treatment plant; thereby, protecting open space and the natural environment by promoting effective use of existing infrastructure and reusing previously developed land.

Areas Affected by Project

City/Cities:

County/Countries:

State(s): WA

Congressional Dist: 06

Budget Period Cost: \$110,939	Project Period Cost: \$110,939
Project Period Start: 10/01/2003	Project Period End: 09/30/2005
Budget Period Start: 10/01/2003	Budget Period End: 09/30/2005

Applicant ID:

Statutory Auth: CERCLA: Sec. 101(39), CERCLA: Sec. 104(k)(2)

Regulatory Auth: 40 CFR PART 31

Special Tracking Code:

State ID:

Competition Section

Was the application selected through a competitive process in accordance with or consistent with EPA Order 5700.5? Yes

What type of competitive process was used? Open Competition

Date the solicitation was announced: 10/24/2002

Award Document Attachments

Attachments:

Fiscal Information

Line	Site Name	DCN	Fiscal Yr	Approp Code	BO Code	PRC	Object Class	Amount	Site Project	Cost Org Code
1	WSTEWAPLNT	NEG022	03	E4	10N0AG7	50108D	41.14	110,939	G010NY00	-
								110,939		

Award Amount

Funds	This Action	Amended Total
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	Former Award		
EPA Amount This Action:	\$	\$110,939	\$110,939
EPA In-Kind Amount:	\$	\$	\$0
Unexpended Prior Yr. Bal:	\$	\$	\$0
Other Federal Funds:	\$	\$	\$0
Recipient Contribution:	\$	\$	\$0
State Contribution:	\$	\$	\$0
Local Contribution:	\$	\$	\$0
Other Contribution:	\$	\$	\$0
Allowable Project Cost:	\$0	\$110,939	\$110,939

Approved Budget

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$29,075
2. Fringe Benefits	\$8,243
3. Travel	\$2,921
4. Equipment	\$7,800
5. Supplies	\$2,900
6. Contractual	\$60,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$110,939
10. Indirect Costs: Rate % Base	\$0
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$110,939
12. Total Approved Assistance Amount	\$110,939
13. Program Income	\$0

Administrative & Programmatic Conditions

EPA Review

Read Access: Controlled

Readers: Kathy Tsing
Susan Morales
Wendy Wasson

Submitted:

Approvers:

Submitted:

Due Date:

Response	Approver	Date

Grant Coordinator: Wendy Wasson

EPA Signature

Award Official: Mike Gearheard

Printed Name: Michael Gearheard

Title: Director - Office of
Environmental Cleanup

Phone: 206-553-7151

Award Date: 09/29/2003

Recipient Review

Read Access: Controlled

Applicant POC:

Title:

Phone:

Recipient Acceptance

Authorized Rep: Charles Miller

Print Name:

Title: Skokomish Tribal Council

Phone:

Acceptance Date: 10/15/2003

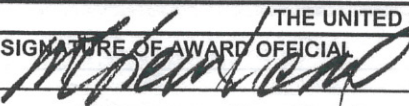
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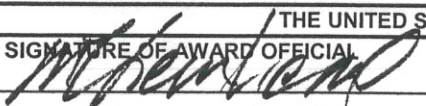
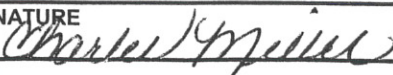
Entry	Date	Action
E	09/18/2003	1 - Application Received By EPA
E	09/19/2003	2 - Application Forwarded To Program Office
P	09/24/2003	3 - Funding Recommendation w/Change Request Received By GMO
P	09/29/2003	F - Award

Origination Information

Entry Method: Paper
Created By: Kathy Tsing on 09/29/2003
Organization: EPA R10

Notifications History

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		ASSISTANCE ID NO.		DATE OF AWARD 09/29/2003 MAILING DATE 10/06/2003 ACH#	
			PRG	DOC ID		AMEND#
			BF -	97071401		- 0
			TYPE OF ACTION New			
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: EPA Finance Unit, OMP-146 FAX # 206-553-6525			
RECIPIENT:			PAYEE:			
Skokomish Tribe North 541 Tribal Center Road Skokomish Nation, WA 98502 EIN: 91-0874463			Skokomish Tribe North 541 Tribal Center Road Skokomish Nation, WA 98502			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Davide Lockart North 541 Tribal Center Road Skokomish Nation, WA 98502 E-Mail: Phone: 360-426-4232		Susan Morales 1200 Sixth Avenue, ECL-112 Seattle, WA 98101 E-Mail: Morales.Susan@epa.gov Phone: 206-553-7299		Kathy Tsing Grants Administration Unit, OMP-145 E-Mail: Tsing.Kathy@epa.gov Phone: 206-553-4688		
PROJECT TITLE AND DESCRIPTION BF-97071401-0 Skokomish Tribe This project will fund site assessment work at a former state DOT maintenance station. In keeping with the goals of the Brownfields Program, the project will seek to address contamination concerns and reuse existing property as a wastewater treatment plant; thereby, protecting open space and the natural environment by promoting effective use of existing infrastructure and reusing previously developed land.						
BUDGET PERIOD		PROJECT PERIOD		TOTAL BUDGET PERIOD COST		
10/01/2003 - 09/30/2005		10/01/2003 - 09/30/2005		\$110,939.00		
				TOTAL PROJECT PERIOD COST		
				\$110,939.00		
NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.						
OFFER AND ACCEPTANCE						
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Skokomish Tribe</u> for <u>100.00</u> % of all approved costs incurred up to and not exceeding <u>\$110,939</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>07/08/2003</u> included herein by reference.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
EPA Region 10 Mail Code, OMP-145 1200 Sixth Avenue Seattle, WA 98101			U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue Seattle, WA 98101			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE		
		Michael Gearheard, Director - Office of Environmental Cleanup		09/29/2003		
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE		DATE		
		Charles Miller, Skokomish Tribal Council		10-15-03		

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		ASSISTANCE ID NO.			DATE OF AWARD 09/29/2003
			PRG	DOC ID	AMEND#	
			BF - 97071401 - 0			MAILING DATE 10/06/2003
			TYPE OF ACTION New			
PAYMENT METHOD:			ACH#			
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: EPA Finance Unit, OMP-146 FAX # 206-553-6525			
RECIPIENT: Skokomish Tribe North 541 Tribal Center Road Skokomish Nation, WA 98502 EIN: 91-0874463			PAYEE: Skokomish Tribe North 541 Tribal Center Road Skokomish Nation, WA 98502			
PROJECT MANAGER Davide Lockart North 541 Tribal Center Road Skokomish Nation, WA 98502 E-Mail: Phone: 360-426-4232		EPA PROJECT OFFICER Susan Morales 1200 Sixth Avenue, ECL-112 Seattle, WA 98101 E-Mail: Morales.Susan@epa.gov Phone: 206-553-7299		EPA GRANT SPECIALIST Kathy Tsing Grants Administration Unit, OMP-145 E-Mail: Tsing.Kathy@epa.gov Phone: 206-553-4688		
PROJECT TITLE AND DESCRIPTION BF-97071401-0 Skokomish Tribe This project will fund site assessment work at a former state DOT maintenance station. In keeping with the goals of the Brownfields Program, the project will seek to address contamination concerns and reuse existing property as a wastewater treatment plant; thereby, protecting open space and the natural environment by promoting effective use of existing infrastructure and reusing previously developed land.						
BUDGET PERIOD 10/01/2003 - 09/30/2005		PROJECT PERIOD 10/01/2003 - 09/30/2005		TOTAL BUDGET PERIOD COST \$110,939.00		TOTAL PROJECT PERIOD COST \$110,939.00
NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.						
OFFER AND ACCEPTANCE						
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Skokomish Tribe</u> for <u>100.00</u> % of all approved costs incurred up to and not exceeding <u>\$110,939</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>07/08/2003</u> included herein by reference.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS EPA Region 10 Mail Code, OMP-145 1200 Sixth Avenue Seattle, WA 98101				ORGANIZATION / ADDRESS U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue Seattle, WA 98101		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Michael Gearheard, Director - Office of Environmental Cleanup			DATE 09/29/2003	
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE Charles Miller, Skokomish Tribal Council			DATE 10-15-03	

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
Amount This Action	\$	\$ 110,939	\$ 110,939
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 110,939	\$ 110,939

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(2)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
WSTEWAPLNT	NEG022	03	E4	10N0AG7	50108D	41.14	G010NY00	-	110,939
									110,939

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$29,075
2. Fringe Benefits	\$8,243
3. Travel	\$2,921
4. Equipment	\$7,800
5. Supplies	\$2,900
6. Contractual	\$60,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$110,939
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$110,939
12. Total Approved Assistance Amount	\$110,939
13. Program Income	\$0

Administrative Conditions

1. Payment Information

a. Electronic Funds Transfer (EFT) systems: There are two EFT payment systems available to recipients, whereby payments are sent directly to the recipient's financial institution within 3-5 business days. Recipients may use either EPA's EFT-IFMS system or ASAP, as follows:

Under EPA's EFT-IFMS, your payment request must be made on the EPA Region 10 EFT-Payment Request Form.

Under the Automated Standard Application for Payment (ASAP), the recipient follows Department of Treasury ASAP instructions.

To enroll in either system (if not currently enrolled), or if you have questions, please call Dennis Thurston at (206) 553-2918 or Jean Alexander (206) 553-2114.

b. Treasury check by mail: Recipients not receiving electronic funds transfer payments will be paid by Treasury check. Recipients must submit a "Request for Advance or Reimbursement," Standard Form-270, via FAX to EPA Region 10 Finance Unit at FAX # 206-553-6525, OR mail to EPA Region 10 Finance Unit, 1200 Sixth Ave, OMP-146, Seattle, WA 98101. Recipients will normally receive payment within 30 days of EPA's receipt of a correct SF-270.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

2. Cost Principles/Indirect Costs Not Included (All Organizations)

The cost principles of OMB Circular A-21 (Educational Institutions), A-87 (State, Local or Indian Tribal Governments), or A-122 (Non-Profit Organizations) are applicable, as appropriate, to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

3. Financial Status Reports (FSRs) - Yearly

The Financial Status Report (FSR), Standard Form 269, for this award shall be submitted to the Grants Administration Unit, OMP-145, within 90 days after the end of the budget period. If the budget period is longer than one year, or if the agreement is revised to extend the budget period beyond one year, the recipient must submit an annual FSR within 90 days after the end of each anniversary of the agreement.

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel and Motel Fire Safety Act

Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.

6. Recycled Paper

ALL APPLICANTS:

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NON-PROFIT ORGANIZATIONS:

Pursuant to 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

7. Lobbying**ALL RECIPIENTS:**

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

PART 30 RECIPIENTS:

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

8. Lobbying and Litigation**ALL RECIPIENTS:**

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

9. Small and Disadvantaged Business Utilization Requirements (Indian Tribes)

The recipient agrees to follow the six affirmative steps stated in 40 CFR 31.36(e), 35.3145(d) or 35.6580,

as appropriate, and to require its prime contractor to follow these affirmative steps if it awards subcontracts; the recipient also agrees to retain records documenting compliance.

The six affirmative steps contained in 40 CFR 31.36(e) are as follows:

- (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (e) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

The recipient agrees to submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30). For assistance awards for continuing environmental programs, the recipient agrees to submit an EPA Form 5700-52A by October 30 each year.

All reports must be submitted to the Grants Administration Unit, OMP-145, 1200 Sixth Avenue, Seattle, WA 98101. For further information, please contact Marie McPeak at (206) 553-2894, EMAIL: mcpeak.marie@epa.gov.

In accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small businesses located in rural areas to the maximum extent possible through the use of the six affirmative steps.

10. Consultant Services

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2003, the limit is \$513.60 per day (\$64.20 hourly). This rate does not include transportation and subsistence costs for travel performed (recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation. The recipient may refer to 40 CFR 30.27(b) or 40 CFR 31.36(j)(2), as applicable, for additional information.

Programmatic Conditions

1. Work Plan

Work under this agreement should be completed in accordance with the approved work plans **faxed 08/21/2003.**

The attached "Brownfields Assessment Grant Terms and Conditions" is incorporated in this assistance agreement.



BF-970714-01-0 T&C Skokomish.v

END OF ASSISTANCE AGREEMENT NO. BF-970714-01-0

Brownfields Assessment Grant Terms and Conditions

Please note that these Terms and Conditions (T&Cs) apply to brownfields grants under CERCLA 104(k) and do not apply to pre-FY 2003 grants subject to 104(d).

I. GENERAL FEDERAL REQUIREMENTS

NOTE: For the purposes of these Terms and Conditions the term "assessment" includes, eligible activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 104(k)(2)(A)(i) such as activities involving the inventory, characterization, assessment, and planning relating to brownfield sites as described in the EPA approved scope of work.

A. Federal Policy and Guidance

1. a. Cooperative Agreement Recipients: In implementing this agreement, the cooperative agreement recipient (CAR) shall insure that work done with cooperative agreement funds complies with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 104(k). The CAR shall also ensure that assessment activities supported with cooperative agreement funding comply with all applicable Federal and State laws and regulations.
- b. CERCLA 104(g) requires that recipients comply with the prevailing wage rate requirements under the Davis-Bacon Act of 1931 for construction, repair or alteration contracts "funded in whole or in part" with funds provided under this agreement. If the CAR uses funds awarded under this agreement to contract for construction, repair or alteration work, it must obtain recent and applicable wage rates from the U.S. Department of Labor and incorporate them into the construction, alteration or repair contract.
- c. The recipient agrees to comply with Executive Order 13202 (Feb. 22, 2001, 66 Fed. Reg. 11225) of February 17, 2001, entitled "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," as amended by Executive Order 13208 (April 11, 2001, 66 Fed. Reg. 18717) of April 6, 2001, entitled "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.
- d. The recipient must comply with Federal cross-cutting requirements. These requirements include but are not limited to, MBE/WBE requirements found at 40 CFR 31.36(e) or 40 CFR 30.44(b)(see administrative condition # 9 for details); OSHA Worker Health & Safety Standard 29 CFR 1910.120; the Uniform Relocation Act; Historic Preservation Act; Endangered Species Act; and Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal

Employment Opportunity, and implementing regulations at 41 CFR 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333) the Anti Kickback Act (40 USC 276c) and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.

B. Eligible Brownfields Site Determinations

1. a. The CAR must provide information to the EPA Project Officer about site-specific work prior to incurring any costs under this cooperative agreement for sites that have not already been pre-approved in the CAR's work plan by the EPA. The information that must be provided includes whether or not the site meets the definition of a brownfield as defined in §101(39) of CERCLA, the identity of the owner, and the date of acquisition.

- b. If the site is excluded from the general definition of a brownfield, but is eligible for a property-specific funding determination, then the CAR must provide information sufficient for EPA to make a property-specific funding determination. The CAR must provide sufficient information on how financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes. The CAR must not incur costs for assessing sites requiring a property-specific funding determination by EPA until the EPA Project Officer has advised the CAR of the Agency's determination.

2. a. For any petroleum contaminated brownfield site that is not included in the CAR's EPA approved work plan, the CAR shall provide sufficient documentation to the EPA prior to incurring costs under this cooperative agreement which includes:
 - (1) that a State has determined that the petroleum-only site is of relatively low risk, as compared to other petroleum-only sites in the State,
 - (2) that the State determines there is "no viable responsible party" for the site;
 - (3) that the State determines that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site; and
 - (4) that the site is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act.This documentation must be prepared by the CAR or the State following contact and discussion with the appropriate petroleum program official.

- b. Documentation must include the identity of the State program official contacted, the State official's telephone number, the date of the contact, and a summary of the discussion relating to the state's determination that the site is of relatively low risk, that there is no viable responsible party and that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site. Other documentation provided by a State to the recipient relevant to any of the determinations by the State must also be provided to the EPA Project Officer.

- c. If the State chooses not to make the determinations described in 2.a. above, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the requisite determinations.
- d. EPA must also make all determinations on the eligibility of petroleum contaminated brownfield sites located on Indian tribal lands. Prior to incurring costs for these sites, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the determinations described in 2.a. above.

II. GENERAL COOPERATIVE AGREEMENT ADMINISTRATIVE REQUIREMENTS

A. Term of the Agreement

1. The term of this agreement is two years from the date of project/budget period start date, unless otherwise extended by EPA at the CAR's request.
2. If after 1½ years from the date of award, EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, the Agency may terminate this agreement.
3. Assessment funding for any eligible brownfield site may not exceed \$200,000 unless a waiver has been received and then it is not to exceed \$350,000.

B. Substantial Involvement

1. The U.S. EPA may be substantially involved in overseeing and monitoring this cooperative agreement.
 - a. Substantial involvement by the U.S. EPA generally includes administrative activities such as: monitoring; review of project phases; and approval of substantive terms included in professional services contracts.
 - b. Substantial EPA involvement also includes brownfields property-specific funding determinations described in I.B.1. under *Eligible Brownfields Site Determinations* above. If the CAR awards a subgrant for site assessment, the CAR may also request technical assistance from EPA on what sites qualify as a brownfield site and determining whether the statutory prohibition found in section 104(k)(4)(B)(i)(IV) of CERCLA applies to potential subgrant recipients. Generally, this prohibition prohibits a subgrant recipient from using grant funds to assess a site if the subgrant recipient is potentially liable under §107 of CERCLA for that site.
 - c. Substantial EPA involvement may include reviewing financial and environmental status reports; and monitoring all reporting, record-keeping, and other program requirements.

- d. EPA may waive any of the provisions in term and condition II.B.1., at its own initiative or upon request by the CAR. EPA will provide waivers in writing.
2. Effect of EPA's substantial involvement includes:
 - a. EPA's review of any project phase, document, or cost incurred under this cooperative agreement, will not have any affect upon CERCLA §128 *Eligible Response Site* determinations or for rights, authorities, and actions under CERCLA or any Federal statute.
 - b. The CAR remains responsible for ensuring that all assessments are protective of human health and the environment and comply with all applicable Federal and State laws.
 - c. The CAR and its subgrantees remain responsible for incurring costs that are allowable under the applicable OMB Circulars.

C. Cooperative Agreement Recipient Roles and Responsibilities

1. The CAR must acquire the services of a qualified environmental professional(s) to coordinate, direct, and oversee the brownfields assessment activities at a particular site, if they do not have such a professional on staff.
2. The CAR is responsible for ensuring that contractors and subgrant recipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subgrant recipients and contractors are consistent with the terms and conditions of this agreement.
3. Subgrants are defined at 40 CFR 31.3. The CAR may not subgrant to for-profit organizations. The CAR must obtain commercial services and products necessary to carry out this agreement under competitive procurement procedures as described in 40 CFR 31.36. In addition, EPA policy encourages awarding subgrants competitively and the CAR must consider awarding subgrants through competition.

D. Quarterly Progress Reports

1. The CAR must submit progress reports on a quarterly basis (30 days after the end of each Federal fiscal quarter) to the EPA Project Officer. The progress reports must document incremental progress at achieving the project goals and milestones. Quarterly progress reports must include:
 - a. Documentation of progress at meeting the performance objectives, project narrative and project time line.
 - b. An update on project milestones.
 - c. A budget recap summary page with the following headings: Current Approved Budget; Costs Incurred this Quarter; Costs Incurred to Date; and Total Remaining Funds. **[Note: This requirement does not supersede the requirement for**

submission of annual Financial Status Reports, as stated in administrative condition #3 above.]

- d. If applicable, quarterly reports must specify costs incurred at petroleum contaminated brownfields sites.
 - e. Recipient quarterly reports must clearly identify which activities performed during the reporting period were undertaken with EPA funds, and must relate EPA-funded activities to the objectives and milestones agreed upon in the work plan including a list of sites where assessment activities were completed.
2. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended on specific sites under this grant.
 3. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended by the CAR at petroleum sites identified in the EPA approved scope of work.
 4. The CAR must complete Property Profile Forms (OMB NO.: 2050-0192) provided by EPA.

E. Final Performance Report

1. In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

III. FINANCIAL ADMINISTRATION REQUIREMENTS

A. Eligible Uses of the Funds for the Cooperative Agreement Recipient

1. To the extent allowable under the scope of work, cooperative agreement funds may be used for eligible programmatic expenses to inventory, characterize, assess, and conduct planning and outreach. Eligible programmatic expenses include activities described in Section IV of these Terms and Conditions. In addition, such eligible programmatic expenses may include:
 - a. Determining whether assessment activities at a particular site are authorized by CERCLA 104(k);
 - b. Ensuring that an assessment complies with applicable requirements under Federal and State laws, as required by CERCLA 104(k);
 - c. Purchasing environmental insurance if the purchase of such insurance is necessary to carry out assessment activities;

- d. Any other eligible programmatic costs including costs incurred by the recipient in reporting to EPA; procuring and managing contracts; awarding and managing subgrants; and carrying out outreach pertaining to the assessment activities.

B. Ineligible Uses of the Funds for the Cooperative Agreement Recipient

1. Cooperative agreement funds shall not be used by the CAR for any of the following activities:
 - a. Cleanup activities;
 - b. Development activities that are not brownfields assessment activities (e.g., construction of a new facility);
 - c. Job training unrelated to performing a specific assessment at a site covered by the grant;
 - d. To pay for a penalty or fine;
 - e. To pay a federal cost share requirement (for example, a cost-share required by another Federal grant) unless there is specific statutory authority;
 - f. To pay for a response cost at a brownfields site for which the recipient of the grant or subgrant is potentially liable under CERCLA §107;
 - g. To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the assessment; and
 - h. Unallowable costs (e.g., lobbying and fund raising) under applicable OMB Circulars.
2. Under CERCLA 104(k)(4)(B), administrative costs are prohibited costs under this agreement. Prohibited administrative costs include all indirect costs under applicable OMB Circulars.
 - a. Ineligible administrative costs include costs incurred in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements for Grants* contained in 40 CFR Part 31. Direct costs for grant administration, with the exception of costs specifically identified as eligible programmatic costs, are ineligible even if the grant recipient is required to carry out the activity under the grant agreement.
 - b. Ineligible grant administration costs include:
 - (1) Preparation of applications for Brownfields grants;
 - (2) Record retention required under 40 CFR 31.42;

- (3) Record-keeping associated with supplies and equipment purchases required under 40 CFR 31.32 and 31.33;
 - (4) Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 40 CFR 31.30;
 - (5) Maintaining and operating financial management systems required under 40 CFR 31;
 - (6) Preparing payment requests and handling payments under 40 CFR 31.21;
 - (7) Non-federal audits required under 40 CFR 31.26 and OMB Circular A-133; and
 - (8) Close out under 40 CFR 31.50.
3. Cooperative agreement funds may not be used for any of the following properties:
- a. Facilities listed, or proposed for listing, on the National Priorities List (NPL);
 - b. Facilities subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decree issued to or entered by parties under CERCLA;
 - c. Facilities that are subject to the jurisdiction, custody or control of the United States government except for land held in trust by the United States government for an Indian tribe; or
 - d. A site excluded from the definition of a brownfields site for which EPA has not made a property-specific funding determination.

C. Interest -Bearing Accounts and Program Income

1. In accordance with 40 CFR 31.25(g)(2), the CAR is authorized to add program income to the funds awarded by the EPA and use the program income under the same terms and conditions of this agreement. Program income for the assessment CAR shall be defined as the gross income received by the recipient, directly generated by the cooperative agreement award or earned during the period of the award. Program income includes, but is not limited to, fees charged for conducting assessment, site characterizations, clean up planning or other activities when the costs for the activity is charged to this agreement.
2. The CAR must deposit advances of grant funds and program income (e.g., fees) in an interest bearing account.
 - a. Interest earned on advances, CARs are subject to the provisions of 40 CFR §31.21(i) to remitting interest on advances to EPA on a quarterly basis.
 - b. Interest earned on program income is considered additional program income.

IV. ASSESSMENT ENVIRONMENTAL REQUIREMENTS

A. Quality Assurance (QA) Requirements

1. Acceptable Quality Assurance documentation must be submitted to the EPA Project Officer within 30 days of the acceptance of this agreement or another date as negotiated with the EPA Project Officer. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance document. (For more information contact your EPA Project Officer or see 40 CFR 30.54 or 31.45, as appropriate.)

B. Completion of Assessment Activities

1. The CAR shall properly document the completion of all activities described in the EPA approved scope of work. For site-specific work this shall include a final report or letter from a qualified environmental professional, or other documentation provided by a State or Tribe that shows assessments are complete.

C. All Appropriate Inquiry

1. As required by CERCLA §104(k)(2)(B)(ii) and CERCLA §101(35)(B), the CAR shall ensure that a "Phase I" site characterization and assessment carried out under this agreement will be performed in accordance with American Society of Testing and Materials (ASTM) standard E1527-00, "Standard Practices for Environmental Site Assessment: Phase I Environmental Site Assessment Process," until EPA promulgates final federal standards governing the conduct of "all appropriate inquiry." After EPA promulgates final regulations governing the conduct of all appropriate inquiry, Phase I site characterizations and assessments will have to be conducted in compliance with the final regulations. This does not preclude the use of grant funds for additional site characterization and assessment activities that may be necessary to characterize the environmental impacts at the site or to comply with applicable State standards.

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Charles Miller

TITLE

Skokomish Tribal Council

APPLICANT ORGANIZATION

Skokomish Indian Tribe

DATE SUBMITTED

July 8, 2003

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 0.00	0.00	0.00
2. Land, structures, rights-of-way, appraisals, etc.	0.00	0.00	0.00
3. Relocation expenses and payments	0.00	0.00	0.00
4. Architectural and engineering fees	0.00	0.00	0.00
5. Other architectural and engineering fees	0.00	0.00	0.00
6. Project inspection fees	0.00	0.00	0.00
7. Site work	0.00	0.00	0.00
8. Demolition and removal	0.00	0.00	0.00
9. Construction	0.00	0.00	0.00
10. Equipment	0.00	0.00	0.00
11. Miscellaneous	0.00	0.00	0.00
12. SUBTOTAL (sum of lines 1-11)	\$ 0.00	0.00	0.00
13. Contingencies	0.00	0.00	0.00
14. SUBTOTAL	\$ 0.00	0.00	0.00
15. Project (program) income	0.00	0.00	0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 0.00	0.00	0.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply	0.00%	\$ 0.00

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|---|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | | |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 7. | Enter the appropriate letter in the space provided. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:

-- "New" means a new assistance award.

-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Section A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in columns (a) and (b), enter in Columns (e), (f), and (g)

the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in columns (e) and (f).

For *supplemental grants and changes to existing grants*, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in columns (e) and (f).

Line 5 -- Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and Non-Federal) by object class categories.

Lines 6a-i -- Show the totals of Lines 6a to 6h in each column.

Lines 6j -- Show the amount of indirect cost.

Line 6k -- Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in Column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 -- Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from

INSTRUCTIONS FOR THE SF-424A (continued)

the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11. Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program title identical to column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project.

Lines 16-19 - Enter in Column (a) the same grant program titles shown in column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

Column a. - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b. - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column. - This is the net of lines 1 through 16 in columns "a." and "b."

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

EPA Funding Information

BF - 97071401 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
Amount This Action	\$	\$ 110,939	\$ 110,939
In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 110,939	\$ 110,939

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(2)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
WSTEWAPLNT	NEG022	03	E4	10N0AG7	50108D	41.14	G010NY00	-	110,939
									110,939

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$29,075
2. Fringe Benefits	\$8,243
3. Travel	\$2,921
4. Equipment	\$7,800
5. Supplies	\$2,900
6. Contractual	\$60,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$110,939
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$110,939
12. Total Approved Assistance Amount	\$110,939
13. Program Income	\$0

Budget

Administrative Conditions

1. Payment Information

a. Electronic Funds Transfer (EFT) systems: There are two EFT payment systems available to recipients, whereby payments are sent directly to the recipient's financial institution within 3-5 business days. Recipients may use either EPA's EFT-IFMS system or ASAP, as follows:

Under EPA's EFT-IFMS, your payment request must be made on the EPA Region 10 EFT-Payment Request Form.

Under the Automated Standard Application for Payment (ASAP), the recipient follows Department of Treasury ASAP instructions.

To enroll in either system (if not currently enrolled), or if you have questions, please call Dennis Thurston at (206) 553-2918 or Jean Alexander (206) 553-2114.

b. Treasury check by mail: Recipients not receiving electronic funds transfer payments will be paid by Treasury check. Recipients must submit a "Request for Advance or Reimbursement," Standard Form-270, via FAX to EPA Region 10 Finance Unit at FAX # 206-553-6525, OR mail to EPA Region 10 Finance Unit, 1200 Sixth Ave, OMP-146, Seattle, WA 98101. Recipients will normally receive payment within 30 days of EPA's receipt of a correct SF-270.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

2. Cost Principles/Indirect Costs Not Included (All Organizations)

The cost principles of OMB Circular A-21 (Educational Institutions), A-87 (State, Local or Indian Tribal Governments), or A-122 (Non-Profit Organizations) are applicable, as appropriate, to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

3. Financial Status Reports (FSRs) - Yearly

The Financial Status Report (FSR), Standard Form 269, for this award shall be submitted to the Grants Administration Unit, OMP-145, within 90 days after the end of the budget period. If the budget period is longer than one year, or if the agreement is revised to extend the budget period beyond one year, the recipient must submit an annual FSR within 90 days after the end of each anniversary of the agreement.

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel and Motel Fire Safety Act

Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.

6. Recycled Paper

ALL APPLICANTS:

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NON-PROFIT ORGANIZATIONS:

Pursuant to 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

7. Lobbying**ALL RECIPIENTS:**

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

PART 30 RECIPIENTS:

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

8. Lobbying and Litigation**ALL RECIPIENTS:**

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

9. Small and Disadvantaged Business Utilization Requirements (Indian Tribes)

The recipient agrees to follow the six affirmative steps stated in 40 CFR 31.36(e), 35.3145(d) or 35.6580,

as appropriate, and to require its prime contractor to follow these affirmative steps if it awards subcontracts; the recipient also agrees to retain records documenting compliance.

The six affirmative steps contained in 40 CFR 31.36(e) are as follows:

- (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (e) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

The recipient agrees to submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. **These reports must be submitted within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30).** For assistance awards for continuing environmental programs, the recipient agrees to submit an EPA Form 5700-52A by October 30 each year.

All reports must be submitted to the Grants Administration Unit, OMP-145, 1200 Sixth Avenue, Seattle, WA 98101. For further information, please contact Marie McPeak at (206) 553-2894, EMAIL: mcppeak.marie@epa.gov.

In accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small businesses located in rural areas to the maximum extent possible through the use of the six affirmative steps.

10. Consultant Services

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. **As of January 1, 2003, the limit is \$513.60 per day (\$64.20 hourly).** This rate does not include transportation and subsistence costs for travel performed (recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation. The recipient may refer to 40 CFR 30.27(b) or 40 CFR 31.36(j)(2), as applicable, for additional information.

Programmatic Conditions

1. Work Plan

Work under this agreement should be completed in accordance with the approved work plans **faxed 08/21/2003.**

The attached "Brownfields Assessment Grant Terms and Conditions" is incorporated in this assistance agreement.



BF-970714-01-0 T&C Skokomish.v

END OF ASSISTANCE AGREEMENT NO. BF-970714-01-0

Brownfields Assessment Grant Terms and Conditions

Please note that these Terms and Conditions (T&Cs) apply to brownfields grants under CERCLA 104(k) and do not apply to pre-FY 2003 grants subject to 104(d).

I. GENERAL FEDERAL REQUIREMENTS

NOTE: For the purposes of these Terms and Conditions the term "assessment" includes, eligible activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 104(k)(2)(A)(i) such as activities involving the inventory, characterization, assessment, and planning relating to brownfield sites as described in the EPA approved scope of work.

A. Federal Policy and Guidance

1. a. Cooperative Agreement Recipients: In implementing this agreement, the cooperative agreement recipient (CAR) shall insure that work done with cooperative agreement funds complies with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 104(k). The CAR shall also ensure that assessment activities supported with cooperative agreement funding comply with all applicable Federal and State laws and regulations.
- b. CERCLA 104(g) requires that recipients comply with the prevailing wage rate requirements under the Davis-Bacon Act of 1931 for construction, repair or alteration contracts "funded in whole or in part" with funds provided under this agreement. If the CAR uses funds awarded under this agreement to contract for construction, repair or alteration work, it must obtain recent and applicable wage rates from the U.S. Department of Labor and incorporate them into the construction, alteration or repair contract.
- c. The recipient agrees to comply with Executive Order 13202 (Feb. 22, 2001, 66 Fed. Reg. 11225) of February 17, 2001, entitled "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," as amended by Executive Order 13208 (April 11, 2001, 66 Fed. Reg. 18717) of April 6, 2001, entitled "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.
- d. The recipient must comply with Federal cross-cutting requirements. These requirements include but are not limited to, MBE/WBE requirements found at 40 CFR 31.36(e) or 40 CFR 30.44(b)(see administrative condition # 9 for details); OSHA Worker Health & Safety Standard 29 CFR 1910.120; the Uniform Relocation Act; Historic Preservation Act; Endangered Species Act; and Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal

Employment Opportunity, and implementing regulations at 41 CFR 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333) the Anti Kickback Act (40 USC 276c) and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.

B. Eligible Brownfields Site Determinations

1. a. The CAR must provide information to the EPA Project Officer about site-specific work prior to incurring any costs under this cooperative agreement for sites that have not already been pre-approved in the CAR's work plan by the EPA. The information that must be provided includes whether or not the site meets the definition of a brownfield as defined in §101(39) of CERCLA, the identity of the owner, and the date of acquisition.
- b. If the site is excluded from the general definition of a brownfield, but is eligible for a property-specific funding determination, then the CAR must provide information sufficient for EPA to make a property-specific funding determination. The CAR must provide sufficient information on how financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes. The CAR must not incur costs for assessing sites requiring a property-specific funding determination by EPA until the EPA Project Officer has advised the CAR of the Agency's determination.
2. a. For any petroleum contaminated brownfield site that is not included in the CAR's EPA approved work plan, the CAR shall provide sufficient documentation to the EPA prior to incurring costs under this cooperative agreement which includes:
 - (1) that a State has determined that the petroleum-only site is of relatively low risk, as compared to other petroleum-only sites in the State,
 - (2) that the State determines there is "no viable responsible party" for the site;
 - (3) that the State determines that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site; and
 - (4) that the site is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act.This documentation must be prepared by the CAR or the State following contact and discussion with the appropriate petroleum program official.
- b. Documentation must include the identity of the State program official contacted, the State official's telephone number, the date of the contact, and a summary of the discussion relating to the state's determination that the site is of relatively low risk, that there is no viable responsible party and that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site. Other documentation provided by a State to the recipient relevant to any of the determinations by the State must also be provided to the EPA Project Officer.

- c. If the State chooses not to make the determinations described in 2.a. above, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the requisite determinations.
- d. EPA must also make all determinations on the eligibility of petroleum contaminated brownfield sites located on Indian tribal lands. Prior to incurring costs for these sites, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the determinations described in 2.a. above.

II. GENERAL COOPERATIVE AGREEMENT ADMINISTRATIVE REQUIREMENTS

A. Term of the Agreement

1. The term of this agreement is two years from the date of project/budget period start date, unless otherwise extended by EPA at the CAR's request.
2. If after 1½ years from the date of award, EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, the Agency may terminate this agreement.
3. Assessment funding for any eligible brownfield site may not exceed \$200,000 unless a waiver has been received and then it is not to exceed \$350,000.

B. Substantial Involvement

1. The U.S. EPA may be substantially involved in overseeing and monitoring this cooperative agreement.
 - a. Substantial involvement by the U.S. EPA generally includes administrative activities such as: monitoring; review of project phases; and approval of substantive terms included in professional services contracts.
 - b. Substantial EPA involvement also includes brownfields property-specific funding determinations described in I.B.1. under *Eligible Brownfields Site Determinations* above. If the CAR awards a subgrant for site assessment, the CAR may also request technical assistance from EPA on what sites qualify as a brownfield site and determining whether the statutory prohibition found in section 104(k)(4)(B)(i)(IV) of CERCLA applies to potential subgrant recipients. Generally, this prohibition prohibits a subgrant recipient from using grant funds to assess a site if the subgrant recipient is potentially liable under §107 of CERCLA for that site.
 - c. Substantial EPA involvement may include reviewing financial and environmental status reports; and monitoring all reporting, record-keeping, and other program requirements.

- d. EPA may waive any of the provisions in term and condition II.B.1., at its own initiative or upon request by the CAR. EPA will provide waivers in writing.
2. Effect of EPA's substantial involvement includes:
 - a. EPA's review of any project phase, document, or cost incurred under this cooperative agreement, will not have any affect upon CERCLA §128 *Eligible Response Site* determinations or for rights, authorities, and actions under CERCLA or any Federal statute.
 - b. The CAR remains responsible for ensuring that all assessments are protective of human health and the environment and comply with all applicable Federal and State laws.
 - c. The CAR and its subgrantees remain responsible for incurring costs that are allowable under the applicable OMB Circulars.

C. Cooperative Agreement Recipient Roles and Responsibilities

1. The CAR must acquire the services of a qualified environmental professional(s) to coordinate, direct, and oversee the brownfields assessment activities at a particular site, if they do not have such a professional on staff.
2. The CAR is responsible for ensuring that contractors and subgrant recipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subgrant recipients and contractors are consistent with the terms and conditions of this agreement.
3. Subgrants are defined at 40 CFR 31.3. The CAR may not subgrant to for-profit organizations. The CAR must obtain commercial services and products necessary to carry out this agreement under competitive procurement procedures as described in 40 CFR 31.36. In addition, EPA policy encourages awarding subgrants competitively and the CAR must consider awarding subgrants through competition.

D. Quarterly Progress Reports

1. The CAR must submit progress reports on a quarterly basis (30 days after the end of each Federal fiscal quarter) to the EPA Project Officer. The progress reports must document incremental progress at achieving the project goals and milestones. Quarterly progress reports must include:
 - a. Documentation of progress at meeting the performance objectives, project narrative and project time line.
 - b. An update on project milestones.
 - c. A budget recap summary page with the following headings: Current Approved Budget; Costs Incurred this Quarter; Costs Incurred to Date; and Total Remaining Funds. [Note: This requirement does not supersede the requirement for

submission of annual Financial Status Reports, as stated in administrative condition #3 above.]

- d. If applicable, quarterly reports must specify costs incurred at petroleum contaminated brownfields sites.
 - e. Recipient quarterly reports must clearly identify which activities performed during the reporting period were undertaken with EPA funds, and must relate EPA-funded activities to the objectives and milestones agreed upon in the work plan including a list of sites where assessment activities were completed.
2. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended on specific sites under this grant.
 3. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended by the CAR at petroleum sites identified in the EPA approved scope of work.
 4. The CAR must complete Property Profile Forms (OMB NO.: 2050-0192) provided by EPA.

E. Final Performance Report

1. In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

III. FINANCIAL ADMINISTRATION REQUIREMENTS

A. Eligible Uses of the Funds for the Cooperative Agreement Recipient

1. To the extent allowable under the scope of work, cooperative agreement funds may be used for eligible programmatic expenses to inventory, characterize, assess, and conduct planning and outreach. Eligible programmatic expenses include activities described in Section IV of these Terms and Conditions. In addition, such eligible programmatic expenses may include:
 - a. Determining whether assessment activities at a particular site are authorized by CERCLA 104(k);
 - b. Ensuring that an assessment complies with applicable requirements under Federal and State laws, as required by CERCLA 104(k);
 - c. Purchasing environmental insurance if the purchase of such insurance is necessary to carry out assessment activities;

- d. Any other eligible programmatic costs including costs incurred by the recipient in reporting to EPA; procuring and managing contracts; awarding and managing subgrants; and carrying out outreach pertaining to the assessment activities.

B. Ineligible Uses of the Funds for the Cooperative Agreement Recipient

- 1. Cooperative agreement funds shall not be used by the CAR for any of the following activities:

- a. Cleanup activities;
- b. Development activities that are not brownfields assessment activities (e.g., construction of a new facility);
- c. Job training unrelated to performing a specific assessment at a site covered by the grant;
- d. To pay for a penalty or fine;
- e. To pay a federal cost share requirement (for example, a cost-share required by another Federal grant) unless there is specific statutory authority;
- f. To pay for a response cost at a brownfields site for which the recipient of the grant or subgrant is potentially liable under CERCLA §107;
- g. To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the assessment; and
- h. Unallowable costs (e.g., lobbying and fund raising) under applicable OMB Circulars.

- 2. Under CERCLA 104(k)(4)(B), administrative costs are prohibited costs under this agreement. Prohibited administrative costs include all indirect costs under applicable OMB Circulars.

- a. Ineligible administrative costs include costs incurred in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements for Grants* contained in 40 CFR Part 31. Direct costs for grant administration, with the exception of costs specifically identified as eligible programmatic costs, are ineligible even if the grant recipient is required to carry out the activity under the grant agreement.
- b. Ineligible grant administration costs include:
 - (1) Preparation of applications for Brownfields grants;
 - (2) Record retention required under 40 CFR 31.42;